

IN THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Cancelled)

2. (Currently Amended) A disk apparatus which reproduces information by irradiating an optical beam to a disk, the disk apparatus comprising:
a photodetector which comprises two or more photodetection cells, receives a reflected light from a disk, and outputs a photodetection signal based on the received reflected light;

a first tracking error signal generator which detects a phase difference between the photodetection signals from the photodetector, and generates a first tracking error signal corresponding to the phase difference;

a first variable amplifier which varies the amplitude of the first tracking error signal;

a second tracking error signal generator which detects a level difference between the photodetection signals from the photodetector, and generates from the photodetection signal a second tracking error signal corresponding to the level difference;

a second variable amplifier which varies the amplitude of the second tracking error signal;

a combining unit which combines the first and second tracking error signals generated by the first and second variable amplifiers, and provides a combined tracking error signal;

a muting unit which mutes ~~one of the first and second tracking error signal signals~~ when the first tracking error signal amplitude of the one of the tracking error signals is lower than a predetermined reference, [[;]] and mutes the second tracking error signal when the

second tracking error signal amplitude is lower than a predetermined reference; and
a tracking control unit which controls tracking by using the tracking error signal combined by the combining unit.

3. (Currently Amended) A disk apparatus which reproduces information by irradiating an optical beam to a disk, the disk apparatus comprising:
a photodetector which comprises two or more photodetection cells, receives a reflected light from a disk, and outputs a photodetection signal based on the received

reflected light;

a first tracking error signal generator which detects a phase difference between the photodetection signals from the photodetector, and generates a first tracking error signal corresponding to the phase difference;

a first variable amplifier which varies the amplitude of the first tracking error signal;

a second tracking error signal generator which detects a level difference between the photodetection signals from the photodetector, and generates from the photodetection signal a second tracking error signal corresponding to the level difference;

a second variable amplifier which varies the amplitude of the second tracking error signal;

a combining unit which combines the first and second tracking error signals generated by the first and second variable amplifiers, and provides a combined tracking error signal;

~~a tracking control unit which controls tracking by using the tracking error signal combined by the combining unit; and~~

~~wherein the a muting unit comprises section which mutes one of the first and second tracking error signals when the amplitude of the one of the tracking error signals is lower than a predetermined reference; and~~

a tracking control unit which controls tracking by using the tracking error signal combined by the combining unit.

4.-8. (Cancelled)